of white paper, which showed conclusively to the audience that a verdict had been reached.

The Verdict.

"Gentlemen of the jury, have you greed on a verdict, said Clerk Charles H. Heining.
"We have," responded Foreman

Graebe, whereupon the clerk stepped forward and took the proffered papert, which he read amid intense slience. The verdict was as follows

"We, the jury, find the defendants, John Mooney and Frank Friday, guilty of murder in the first degree, as charged in the within indictment."

During the reading of the verdict, Mosney and Friday stood beside Colonel Arnett, and the eyes of nine-tenths of the audience were upon them cur-iously, to see how they would be affected. Both men heard the fateful words without the twitching of a muscle, and at its conclusion sat down, when Mooney turned his eyes upon the jury as though to read them through and through, while Fridsy sat with folded hands looking stolidly into the growd in front. No doubt their hearts beat madly and their brains reeled, but outwardly they gave no sign

On damand by Colonel Arnett, the jury was polled. 'Charles Helser," rend Clerk Henning from the list of the jury.

"Here," responded Heiser.
"Is that your verdict, Mr. Heiser?" "It is," responded the juror. The Jury Polled.

The same questions and answers fit-ted the others of the jury, as follows: W. H. Bye, W. H. Graebe, Joseph Yahn, Charles Neuman, G. D. Bonar, Frank Stanton, W. H. Higgins, Lawrence Beith, Orloff Zane, Joseph Keates and W. C. Dickman.

Upon the completion of the polling of the jury, Judge Hugus thanked them for the sacrifice of time each had made to serve the state in this case, and regretted the confinement to which they had been subjected. "You are now discharged," said the judge in conclus-

At this point, Colonel Arnett, on be half of the convicted men, entered a motion for an arrest of judgment and a new trial. Judge Hugus suggested that this matter come up during the present term this week. To this Colonel Arneit objected, stating that he hoped to unearth certain things that might have a bearing on the court's ruling on his motion for a new trial. He desired to have the matter delayed until the next term of the criminal

To this Mr. Howard, for the state objected strenuously. The time ought to be fixed one day this week, he said. The request was an unusual one; if the defense had anything new they desired to introduce in this case they should have brought it into the trial but just

Jurors Would Not Talk.

Judge Hugus closed the argument by setting the time for hearing Colonel Arnett on his motion for a new trial, Sat

Then the night session was adjourned, and the crowd filed out, discussing the verdict, which met with universal approval, not a person being heard to express himself adversely to the action of the jury. Several of the jurors were asked by the Intelligencer for particulars as to their two hours' session, but all declined to talk, stating that had entered into an agreement to hold back the details of their session. One however, when asked how many ballots had been taken, said that most of the time had been consumed in going over the instructions and evidence, the intimation being that there had been no difficulty in reaching a verdict when it came to voting on one.

Mooney and Friday were taken back to their cells in the county jail, where they will remain pending Colonel Arnett's efforts in their behalf. It is said the colonel will exhaust every legal effort in his power before he gives up the

THE ARGUMENTS.

Masterly Expositions by Col. Arnett for the Defense, and Mr. Howard,

In expectation of hearing masterly arguments a large crowd filed into the court room, when court reconvened at 9 a, m., and the crowd was not disa pointed. Col. W. W. Arnett and Mr. John A. Howard, two past masters in criminal law, were pitted against each other, and each won additional renown. Colonel Arnett began speaking in the recess until 3:15 o'clock. Step by step he went over the testimony, and claimed that no case against the prisoners had been made, that they were not distinctly identified, and that they had established an alibi by several

The colonel said the defendants la bored under the disadvantage of be ing under the public's projudice, espe cially Mooney, who had served a term in the penitentiary for what the colone said was an unjust charge, and he compared Mooney as not unlike Jean Valjean. And because a man had sinned it was no reason why he should be kept down, argued the speaker, who made an able plea for sympathy for the unfortunate men. As he spok along this line, and very pathetically, too, the words had a visible effect on the audience, and particularly on Fri-day, who broke down and sobbed. This was the only stage, however, at which the prisoners showed any change from their cool composure that marked them from the start of the case. Once or twice Mooney moved unensily under the withering fire of Mr. Howard's arraign ment.

No Robbery Committed.

Taking up the points in the case, Colonel Arnett asserted that the state had failed to make good its allegations. robbery had been committed at the Hervey home, and it was necessary to show robbery to secure a vardict of had many breaks in its chain of circumstances. -Because the footprints in the w corresponded to the shoes of the defendants counted for little; there were innumerable shoes of the same If Mooney was such a skillful villain he would not allow himself to have been seen in Elm Grove previous The state depended too much on probabilities, which would not

do in a case involving the death of two

The speaker said that Henry Hervey had failed to positively identify Moo-ney. The impression in a moment of fear is most vivid, hence Henry Hervey would not be in doubt if he saw the right man. He said the intruder taller than his brother, yet the facts are that both were of the same height. Henry Hervey and Mrs. McCartney said they saw no holes in the red handkerchief, yet there were holes in the one found on Mooney.

Colonel Arnett claimed too much stress had been laid on the fact of a red handkerchief being found on Moo-ney, and he charged the state with having become satisfied with this discovery, and ceasing further effort to ascertain whether the murderers were not other men. The shoes worn by the defendants were no more peculiar, he claimed, than other shows.

The pistois found on them were also not uncommon. In discussing these points, the colonel read authorities on circumstantial evidence to show the care that should be exercised. He claimed that the state had intimidated 'Dukes" Reilly and John Lynch by easting them into fall, and he defended the testimony of these men and the other habitues of the former's salcon as not being weak because the witnesses gambled. To attack the character of every man who gambies, said the colo-nel, would depopulate this community. He said Mr. Howard had been singuweaknesses of some of the witnesses; in this respect, Mr. Howard was as cold as "the icicles of the north.

Kitty Sinclair's Testimony. Unreliable was the testimony of Kit-ty Sinclair, argued the colonel. She was intoxicated all the time of her stay at Reilly's, and she took the stand because she had become enraged at Reilly. In spite of persistent efforts, by means of photographs and letters sent all over the country, the police had failed to tearn anything of Friday, which showed that the defendant was not a criminal; had he been one, the police officials of some city would have identified him. The discrepancies in the testimony of the state relative to whether Mooney and Friday wore over-coats in Elm Grove was also dilated on by the speaker at some length.

Colonel Arnett contended that the state should have made an effort to produce the burglar's outfit, alleged by Kitty Sinclair to have been in the safe at Reilly's saloon; so far as he knew, no search warrant or other effort had been made. The story told by the Sinclair woman was attacked as to its credibility. Colonel Arnett did not be-lieve that such a creature would be taken into confidence, and he intimated that she formulated her story after her arrest.
Concluding, Colonel Arnett said he

had consumed the time limit. He had not said all he could say. He wanted the jury to satisfy themselves that the evidence was of such a character to convince them of the guilt of the prisners beyond a doubt. He wanted them to ask themselves what reason there was to discredit the testimony of the witnesses for the defense that indicated Mooney and Friday were in Wheeling at 8 o'clock the night of the murder. The witnesses had no interest in the case. Because they drank or played cards cut no figure. In fact, these witnesses displayed herolam in going on the stand and testifying. It was impossible for the prisoners, as well as inconsistent, to be at Elm Grove at 8:30 o'clock, when they were in Reilly's at 8:10. Mrs. Robert Mooney's testimony was entitled to consideration, since it showed John Mooney was at her home that afternoon. Colonel Arnett said the prisoners were the victims of prejudice, "They stood alone against the world," was the colonel's closing remark.

It was 3:15 p. m. when Colonel Ar nett concluded, and at his close there was a slight demonstration of approval, which Judge Hugus promptly silenced, saying that a repetition would not bo permitted.

Mr. Howard Opens.

"'Mooney and Friday on one side; all the world on other,' was the closing statement of counsel for the defense," said Mr. Howard, in opening, "Moorey and Friday, early in life, of their own volition and choice, one gifted with a superior physique, able to make their living by honest methods, sought to take the side of the criminal classes against the world. There is the vastes; difference between Mooney and Friday and honest men. If honest men had would have explained clearly why they were there, and they would have been believed. But Mooney and Friday-or whatever the latter's right name is, since he doesn't care to tell who he is or where he came from-are profes if the world is against thum. My sympathles go out to the old man, sitting at his own fireside, having lived - an norable life of over three score and ten years-to him shot down to die in own blood "

Mr. Howard continued in a fervent forceful strain. "The wails of the old Ohio county jail, the walls of the Ohio state penitentiary, were not strong enough for John Mooney," he said, "the question now is whether a jury of twelve impartial, intelligent men are strong enough." Mr. Howard went ou strong enough." to speak of the crime as a premeditated, cold-blooded one, and he urged the jury to show no faltering sign; it was their duty to return a verdict of murder in the first degree; they should guard against any maudlin sentiment. There was no reason for doubt; all must sethe guilt of the prisoners, world against them" saw it. "All the jury believed Mooney and Friday killed James Hervey they shrank from their

duty if they returned a verdict other than of first degree murder. The jury should first consider the crime; there is no such dangerous mem-ber of society as a burglar. Burglary was painted by Mr. Howard in all its dreadful phases. In urging on the jury the seriousness of their duty, Mr. Howard compared burglars to wild animal escaped from a circus menagerie; the greater danger being from burglars, because the animals could be easily detected and shot down or recaptured, while it was hard to pick a burgier out on the streets. The wild animal would not be spared because it had a

shed for the prisoners, were there none for James Hervey's grave?

Mooney Smiled. "If you recommended the tiary for these men, John Mooney will soon get out," said Mr. Howard, at which Mooney smiled a little, and the crowd was ready to titter, but the court's gavel came down in remon-

Then Mr. Howard, picking from the table in front of him, held up to the jury in succession, and with brief exations, the shors, red, blue and white handkerchiefs, taken from the prisoners. He also displayed Mooney's black slouch hat and the two revolvers. The fact that Hervey was killed by a 38-callibre revolver, which correspond-ed to Mobney's gun, was instanced; also that the cartridges found in the prisoner's pockets at the jail and the two found at the gate of the Hervey residence, as well as those in Mooney's re-volver, were of the "Peters" make Friday's revolver had similar cart-ridges. The pistols owned by the Herveys were of 32-chilbre, so the cartridges found at their place after the murder did not belong to the inmates. Twenty cartridges had been submitted in evidence, said Mr. Howard, and he accounted for the three kinds, "U. M. C.," "S. & W.," and "Peters," necause they were bought from a promiscuous assortment in "Uncle Ben's" junk shop The speaker maintained that in to struggle in the Hervey hall, some eartridges rolled out of the pockets of

It was testified to that a large man, wearing a black felt hat and a red handkerellief, killed James Hervey; also, that a man wearing a poculiar shoe, such as shown in the case, was one of the two men. The trucks so made were fitted by sheep taken from Mooney and Friday. Mr. Howard, in his concine analysis of the evidences of the desendants' gullt, demonstrated that the broken palling, found in the Hervey home, and said to have been used in the assaults, and which had a notch whittied on it, was hacked by a dull knife, such as was taken from the prisoners, and which Mr. Howard of-fered for the jury's inspection.

Another fact was established by the state, continued Mr. Howard. James Hervey was killed by one of the three shots from a 38-callbre revolver. hours later John Mooney was arrested having a 38-calibre revolver, which three shots had been fired.

To say all the links in the chain wer coincidences was absurd, argued Mr. Howard. Mooney and Friday were seen in Elm Grove the afternoon of the murder, a large and a small man, C. S. Terrill, John Anderson, Joseph Herden, and John Mitchell saw them. At 7:15 p. m., Witness Park saw the large man At 8 p. m. Charles A. Robrecht, who was summoned as a juror, but said he would make a better witness, saw two men of similar description going to the Hervey residence.

Also Direct Evidence.

In claiming there was also direct evi dence, Mr. Howard invited Mooney to stand up with the red handkerchief across his face. In behalf of his client, after a moment's conference with Mooney, Colonel Arnett ngreed, but Mr. Howard did not repeat his offer. The Howard did not repeat his offer. point sought was that Henry Hervey could recognize Mooney's form, notwithstanding the covered face. Mooney was described by the witness as a big man, which was about all any one could say, leaving out the face

Mr. Howard regarded as flimsy the explanation of their presence on the read at Fette's, given by Mooney and Friday. It was highly improbable that Stewart, a Cleveland traveling man, would fix on such an out-of-the-way place for an engagement. The prisoners hadn't explained why they were found beyond Fette's bowling alleys. They had not telegraphed or sent for Stewart to corroborate their story. The story was a falsehood, pure and simple Honest, innocent men could have easily explained why they were on the road leading from Elm Grove. The story of Mooney differed with Friday's as to The story of why they were out the road beyond Fette's, after he saw the poor explanation given by Friday, who preceded him on the stand, contended Mr. Howard.

noy in all the world he knew was at the home of his brother, Bob Mooney, on Chapline street, near Twenty-ninth nlong to this house, for Pette's, if you will remember, is at the head of Twenty-ninth street. You may criticise the chief of police and the sheriff sometimes, but their vigilance guarding all the avenues of escape re before they got into the city. Mooney more to go and they would have go to Bob Mooney's and then an alibi could have been shown, or if they could have got to Reilly's saloon, the same result would have followed. Fortunately, would have followed. the police were too soon for them, and headed them off."

Taking up the attempt to show an Mooney said she didn't see Mooney that night after 6 o'clock. Neither did an witness from Reilly's, except "Jinks Forsythe, "a sort of rousiabout a Reilly's," who didn't know whether Aprilor Pebruary preceded March and it was not clear whether Forzytha saw Mooney on March 1.

Not a "Jean Valjean." Mr. Howard scathingly plerend the

credibility of some of the witnesses from Reilly's place, and in attacking Mooney's criminal career, he took issue with Colone Arnett's characterization of Mooney as a "Jean Valjean." for Mooney had not behaved as had Victor Hugo's famous fictitious personage. As to Friday, the latter had said his brother had sent him money for his defense. More to the purpose would it have been had Friday brought his brother here. Mr. Howard asked why Friday had so many allases, and what it was that impelled him to hide his

real identity. It was apparent that he was a dangerous criminal, with a foul history. An honest man would have told who he was and whence he came. From the moment of his arrest, Friday kept his mouth closed. ard believed Friday's life was even darker than Mooney's.

In an effective word pleture, with singwould not be spared because it had n ple and expressive language, Mr. How-pretty coat. And if there were tears to and described the segme at the Hervey

where the spirst of Christianity pre-valled, the best type of the American home. Sented in conversation were James Hervey, his brother Henry and cousin, Mrs. Belle McCartney, when the murderers broke into the house, bent on burglary and murder. The protect the community, the severest punishment, the death penalty. There was danger of Mooney escaping from a penitentlary, if so confined, Mr. How ard asked the jury to do their duty unflinchingly—their duty was to return a first degree verdict.

Mr. Howard's speech was nearly three hours in length, he closing shortly after 6 o'clock. The prevailing strain of his close was that nothing but the death penalty would fit the enormity of the crime. The jury should find both men equally guilty, as it was immafer-ial which man fired the fatal shot. Mr. Howard-frequently referred to Colonel Arnett's phrase, "All the world against them," and he insisted that such a condition was the fault of the defendants. who had choson to trod the pathway of crime from early youth.



The Easter concert under the auspices of the Arion singing society given in the Arion club house last evening was a conspicuous success throughout. A larg appreciative audience assembled as a tribute to the society as a whole and to the solo performers assisting The Arion singers showed up splendidly; some of their best work yet done was heard at this concert. Credit is due each member of the chorus and the con-

heard at this concert. Credit is due each member of the chorus and the conductor, Prof. H. M. Schockey.

In the little afterplay which concluded the programme, the volces of Messrs, C. W. Appenzeller, Martin Kuhn, Hermann Heckel, J. C. Jung and F. J. Diegmiller were heard to advantage; histrionic ability was also evidenced. The solo vocal work, as is usual, with the Arion was complimentarily given to Mrs. Flora Williams, who in turn distinctly austained her reputation as Wheeling's leading soprane. Mrs. Williams' loyalty to Musical Wheeling was manifest distrongly last night, when because of the Arion concert, she refused to join the grand opera excursionists to Pittsburgh for perhaps the finest of this season's performances.

The Opera House orchestra, conducted by Professor E. W. Speil, diversified the vocal numbers with three selections well played, but the chief interest of lovers of instrumental music, and the audience in general, centered in the appearance of Adelaide Schockey, the young daughter of Professor and Mrs. Hermann M. Schockey, who made her debut as a planist on this occasion, Much was anticipated and there was no disappointment, which is the most flattering testimonial of a first performance. The young girl plays with a composure and clearness of touch remarkable in one of her years. Her phrasing was excellent, and the idea of the composer was intellizently conveyed. Adelaide Schockey gives promise of great achievement in the musical world, and Musical Wheeling, proud of her father, expects to do homage to her.

The North Moin street cuchre club will give a brilliant reception to-night at the George K. Wheat residence.

The Married Ladies' enchre club will be entertained next Friday afternoon for the first time since the beginning of Lent, at the Walker Frissell residence, on Fourteenth street, with Mrs. Frissell and Mrs. Frank Hearne Crockard as hostesses.

Miss Effie Lewis and Miss Gertrude labor, of the McLurc, entertain a num-er of friends at the circus next Thurs-lay afternoon, followed by supper at

Plate & Hane's.

The married people's dancing and co-tillion club give a full dress hop under direction of Prof. G. W. Debrugge next Priday evening. Meister's full orches-tra has been enarged. The patronesses are Mrs. W. W. Arnett Mrs. Joseph Speidel, Mrs. G. K. Wheat, Mrs. Jollus Pollock, Mrs. Harry McLure and Mrs. B. S. McLure. B. S. McLure.

Mrs. Frank Lemoyne Hupp left yesterlay afternoon for Fittsburgh to attend the grand opera. From Fittsburgh Mrs. Hupp goes to New York, where the annual meeting of the Daushters of the Revolution begins next Monday, Mrs. J. J. Holloway, regent of the West Virsinia chapter, and Mrs. C. W. Brockunier leave this week to attend the meeting.

AMUSEMENTS.

The Grand Opera House will, the last half of this week, offer its patrons Al. W. Martin's grand spectacular reattraction is classed as one of the big gest scenic productions the American stage has ever seen, it being necessary atage has ever seen, it being necessary to utilize two special cars to transport the scenery and equipment. No such amount of money as Mr. Martin has spent on his production has ever before been expended on this much neglected and abused but still most successful of American dramas. The company carries three bross bands, twenty-five head of ponies donleys, horses, ozen, tally-ho couch, traps, Eva's golden charlot, log cabin, ox carts and numerous other novelties, and gives the most elaborate and largest street parade ever attempted by a theatrical company. The parade starts from the theatre at non.

Field's Minstrels,

The closing number of the programm: of the Al. G. Field Greater Minstrels is an act contributed by the Nondescript an act contributed by the Nondescript Trio, three athletic young men who do many very difficult and seemingly im-possible feats, introducing Caledonian sports and all manner of college ath-letics. The vehicles used to introduce their exercises is entitled "A Myster-ions Hotel." The high jumping, kick-ing and other asile pastimes make an act the like of which has not been witnessed. Al. G. Field's ministrels will be the attraction at the Opera House next Saturday, matinee and night.

"My Innocent Boy."

A wholesome and pleasing comedy, devoid of horseplay, but containing an abundance of witty dialogue and amus situations, is "My innocent Boy, ich delighted a large audience at th and opera house last night. Th which delighted a large audience at the Grand opera house last night. The comedy introduces in stellar roles Mr. Edward M. Favor and Miss Edith Sischin; who have been bright lights in the vaudeville ranks, and are equally at home in legitimate comedy, as their work last night demonstrated. The company is large, and made up of capable people, and the specialties are of a high order. "My Innocent Boy" will be repeated to hight.

the Chart Hillithers

Fourteenth Cincinnati May Music Festival

In Music Hall, May 8, 9, 10, 11 and 12, 1900.

The Grand Choral Works embrace

Mendelssohn's St. Paul. Brahm's German Requiem. Liszt's Faust Symphony,

Beethoven's Ninth Symphony Stanford's East to West. Wagner's Parsifal. Berlioz's TeDeum, with augmented chorus of 300 boys' voice

Cincinnati May Festival Chorus, 500 voices, will sing at every evening concert.

Mme. Marcella Sembrich. Mr. Ben Davies.

Mme. Schumann-Heink Mr. David Bispham.

are the soloists engaged. They will be heard also in vocal selections at the afternoon concerts,

Fourteenth Cincinnati May Music Festival, as have all the previous festivals, will be under the musical directions

Mr. Theodore Thomas,

accompanied by his unrivaled Orchestra of more than one hundred members. The orchestra selections on the programmes are numer

Illustrated circulars, containing description of the works to be per-formed, programmes in detail, portraits of soloists, diagrams of Music Hall, may be obtained at music stores or by addressing Sec-retary Musical Festival Association, 58 Carew Building, Cincinnati,

Reduced Rates on all Railroads.

McFADDEN'S.

المراجع والمعارة والمارة Bowling Shoes for 48c.



Girls' 50c Gymnasium Shoes Boys' 50c Base Ball Shoes 39c Men's The Best Bowling Shoes 480 Boys' \$1.50 Bicycle Shoes for. Men's \$1.50 Bicycle Shoes for. 980 4

1316 to 1322 Market Street, Wheeling.



\$5.00 for a Set of Teeth

Guaranteed to Fit and Look Natural.



onts.
Plates, \$2.00 up.
Plates, \$2.00 up.
Crowns, \$2.00 up.
Crowns, \$2.00 up.
Pillings of all kinds, 50 cents up.
Pillings of all kinds, 50 cents up.
Up. Beware of fakirs and imitators.

NEW YORK DENTIST,

(Incorported.) Drs. C. L., W. H. and L. C. Hill. 1049 Main St., over Alexander's Shoe Store. FOR RENT.

POR RENT-THE DELAPLAIN homestead located at No. 1807 Chap-line street. Apply to Jacob W. Grubb. 1805 Market street. FOR RENT_THREE-ROOMS ON THE L Island; all modern conveniences, will rent reasonable to a couple without children. TELEPHONE 681. mhir

POR RENT-STORE ROOM NO. 25
Twelfth street (McLain Block). Hest
location in the city. Enquire of R. B. MeLain, Young's Pharmacy. Chapline and

PLUMBING, ETC.

WM. F. C. SCHNELLE, Plumbing, Gas and Steam Fitting-

Dealer in all goods pertaining to the trade.

2012 Main Street.

Telephone 37. Wheeling, W. Va.

ROBERT W. KYLE,

Practical Plumber Gas and Steam Fitter. No. 1155 Market Street. Gas and Electric Chandellers, Filters, and Taylor Gas Burners a specialty. mrz

WM. HARE & SON, Practical Plumbers,+++

TRIMBLE & LUTZ

Gas and Steam Fitters. No. 33 Twelfth Street. Work done promptly at reasonable prices

COMPANY. 34.34.34 SUPPLY HOUSE.

Plumbing and Gas Fitting. Steam and Hot Water Heating.

A FULL LINE OF THE CELEBRATED SNOW STEAM PUMPS.

A LL KINDS OF PLAIN AND FANCY
A Printing, An entire new line of samples of Ball Programmes, Tekets and Invitations at all prices at the intelligencer job Printing Office.

The first here in Wheeling concerning to the first price of the pri

FEMALE HELP WANTED

\$10 A DAY EASILY MADE TAL Best book. Best terms. Credit. Fdl at fit free. STANDARD PUBLISHING CO., 41 N. Sixth St., Uhiladelphia, Pa. 142

RECEIVER'S SALE.

Monday, May 14th, 1900,

Hubbard & Hubbard, Attorneys

MACHINISTS.

REDMAN & CO., Machinists.

Repairing of all kinds of machiners promptly and quickly executed. ods

PATENTS AND TRADEMARKS

PATENTS AND TRADE-MARKS.

Proper protection secured in all con ries. Reliable service at moderate rais. Advice free. Correspondence solicité. H. E. DUNLAP, Patent Attorney, Rellly Building, Wheeling, W. Va.

CUTLERY GRINDING.

FINEST CUTLERY GRINDING POSE